

HONORABLE SALVADOR MENDOZA, JR.

MICHAEL E. McFARLAND, JR., #23000
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IN UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

ANTHONY MEJIA,

Plaintiff,

vs.

PUBLIC RISK UNDERWRITERS OF
THE NORTHWEST, INC., d/b/a
“CANFIELD,” “CANFIELD
SOLUTIONS,” and “CANFIELD
AND ASSOCIATES”,

Defendants.

Case No. 2:15-CV-00111-SMJ

STIPULATED ORDER OF
PROTECTION

I. BASIS

Plaintiff served Defendant with discovery requests that seek the production of documents “pertaining to race or sex that were created or communicated during the calendar years 2010-2014.” In an effort to comply with Plaintiff’s discovery requests, including but not limited to the aforementioned

STIPULATED ORDER OF
PROTECTION - page 1

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1 request for production, Clear Risk Solutions (formerly Canfield) is searching its
2 computer/network system for documents responsive to Plaintiff's discovery
3 requests. The search conducted is producing thousands of pages of potentially
4 responsive documents, including documents that may be privileged and/or
5 contain private and confidential information.
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7

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9 Given the nature of Clear Risk Solutions' business (a third-party risk
10 administrator), the parties recognize that there may be information contained in
11 the documents produced that is privileged, confidential, proprietary and private.
12 Defendant intends to withhold documents that it believes is privileged, and to
13 produce to Plaintiff a privilege log identifying said documents. Documents
14 produced may have confidential, proprietary and private information that has no
15 relevance to these proceedings. In order to give Plaintiff access to discoverable
16 and relevant information, and at the same time protect confidential, private and
17 proprietary information of Clear Risk Solutions, the parties have agreed to the
18 following procedure for the production of documents requested by Plaintiff.
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24 II. STIPULATION

25 IT IS HEREBY STIPULATED BY THE PARTIES that the following
26 procedures shall apply to all documents exchanged by the parties that the
27 producing party identifies as "confidential."
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29 STIPULATED ORDER OF
30 PROTECTION - page 2

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1 1. Confidential documents will be protected from public disclosure
2 unless otherwise required by law. Any document exchanged by the parties in this
3 case that is deemed by the producing party as “confidential” will be subject to
4 the terms of this Protective Order. This includes all documents that will be
5 produced to Plaintiff in response to Plaintiff’s Request for Production No. 2.

6
7 2. All parties and their attorneys agree to treat all documents identified
8 as confidential as confidential and subject to this order, except as necessary to
9 present the parties’ claims in the above-referenced case. To protect a document
10 under this Order, a party must designate a document as confidential by
11 prominently labeling it as “CONFIDENTIAL” in the margin of the document
12 itself. Plaintiff and his attorneys thereby agree not to disseminate any
13 confidential documents covered by this Order to any third-party, except when
14 and only when the specific document is needed by:

- 15
16 a. The party(ies), their attorneys and the attorney’s employees;
17 b. Consultants and experts retained by any party for the
18 purposes of assisting in the preparation or presentation of claims or defenses;
19 c. Any person for the purpose of perfecting service of notices of
20 deposition and/or subpoenas for trial upon employee witnesses;
21 d. Any other person authorized by the Court; and
22 e. Any witness who the attorney in good faith believes needs to
23 see the document in order to represent his client.
24

25 3. All of the foregoing persons, including the attorneys’ staff persons
26 working on this case, other than the parties’ attorneys shall be shown a copy of
27 this Order and shall sign it or otherwise signify in writing prior to being shown
28

29 STIPULATED ORDER OF
30 PROTECTION - page 3

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1 confidential documents that the person has read the Order and consents to be
2 bound by its terms.

3 4. Any documents that are filed with the Court or utilized as evidence
4 will be reviewed by the party proposing the document, and the addresses, dates
5 of birth, or other sensitive information of the employees involved will be
6 redacted. The parties will attempt to agree to any redactions of information in
7 advance. If the parties are unable to agree on the redaction of information, the
8 Court will be requested to review the document *in camera* and make a
9 determination of what, if any, information should be redacted in the document.
10

11 5. Upon completion of this litigation, all copies of the records or
12 documents from the employee files shall remain confidential, and shall continue
13 to be kept pursuant to the above criteria.
14

15 6. Nothing contained herein shall be construed to prejudice or limit
16 any party's right to use the records in the taking of depositions or at trial to the
17 extent permitted, if at all, under the rules of evidence and civil procedure.

18 9. Nothing in this Order shall prevent any party hereto from seeking
19 modification of this Order, or from objecting to discovery which it believes to be
20 otherwise improper, including designations that a document is confidential.
21

22 10. Violation of the terms of this Order, by any of the signators to this
23 agreement, their employees, agents or experts may be subject the violator to any
24 sanction deemed appropriate by the Court.

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29 STIPULATED ORDER OF
30 PROTECTION - page 4

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1 IT IS SO STIPULATED THIS 22nd day of January, 2016.

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3 EVANS, CRAVEN & LACKIE, P.S.

4
5 By: /s/ Michael E. McFarland, Jr.
6 MICHAEL E. McFARLAND, JR., WSBA #23000
7 Attorneys for Defendant

8
9 MACDONALD HOAGUE & BAYLESS

10
11 By: /s/ Jesse Wing
12 JOSEPH R. SHAEFFER, WSBA #33273
13 JESSE WING, WSBA #27751
Attorneys for Plaintiff

14 **II. ORDER**

15
16 Based upon the foregoing stipulation, it is ORDERED, ADJUDGED AND
17 DECREED that the Stipulated Order of Protection and the provisions therein
18 shall apply to all records produced in discovery in this case that are identified by
19 the producing party as “confidential.”

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21 Signed this 16th day of February, 2016.

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24 _____
25 HONORABLE SALVADOR MENDOZA, JR.

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29 STIPULATED ORDER OF
30 PROTECTION - page 5

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1 Presented by:

2
3 EVANS, CRAVEN & LACKIE, P.S.

4
5 By: /s/ Michael E. McFarland, Jr.
6 MICHAEL E. McFARLAND, JR., WSBA #23000
7 Attorneys for Defendant
8

9 MACDONALD HOAGUE & BAYLESS

10
11 By: /s/ Jesse Wing
12 JOSEPH R. SHAEFFER, WSBA #33273
13 JESSE WING, WSBA #27751
14 Attorneys for Plaintiff
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29 STIPULATED ORDER OF
30 PROTECTION - page 6

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CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following participants:

Jesse A. Wing
Joseph R. Shaeffer
MacDonald Hoague & Bayless
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/s/ Michael E. McFarland, Jr.
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STIPULATED ORDER OF
PROTECTION - page 7

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